IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5516 OF 2007

The New India Assurance Company limited .... Petitioner

versus

Dinendra R. Bhatia & ors..... Respondent.

Shri V.Y.Sanglikar for the petitioner
Shri B.N.Shroff i/b. M/s. Tejpal & Co. for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 07TH AUGUST, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. New India Assurance Company, the present petitioner is admittedly not a party to the proceedings initiated by the National Textile Corporation against Shri D.R.Bhatia, the present respondent no.1. The petitioner was not a party to the appeal as well. However as the respondent no.1 took out a Chamber Summons for impleadment of the petitioner as party respondent, the City Civil Court has allowed the Chamber Summons and directed that the present petitioner be impleaded as party respondent. Aggrieved thereby the present writ petition has been

filed. 2. It is the case of the petitioner that the petitioner is in no way concerned with the interse dispute between the National Textile Corporation and Shri D.R.Bhatia the respondent no.1 and as such objects to its impleadment as party in the appeal. The learned counsel for the respondent no.1 Shri B.N.Shroff does not oppose the prayer made in the petition. Hence writ petition is allowed. The impugned order passed by the Principal Judge dated 14-6-2007 in Chamber Summons No.127/07 is quashed and set aside. Rule made absolute in above terms, with no order as to costs.

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